

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: March 1, 2011

Re: Adoption of an Ordinance Amending Municipal Code Sections 30-36 and
30-37 (Design Review), 30-6 (Signs) of Chapter XXX (Development
Regulations) to Improve and Clarify Permitting Procedures

BACKGROUND

On February 1, 2011 the City Council introduced amendments to the Design Review Ordinance and Sign Ordinance designed to improve the permitting process for applicants and neighbors. At the meeting, the City Council directed staff to:

1. Clarify the definition of replacement in kind to ensure that exempt improvements are consistent with the architectural style of the structure.
2. Limit Design Review exemptions to structures that are 220 square feet or less in size.
3. Prepare minor edits to the "Window Replacement Handout" related to historic structures.
4. Prepare the necessary amendments to the Guide to Residential Design to ensure consistency with the ordinance amendments.

DISCUSSION

Staff has made all the changes requested by the City Council. The amendments to the Guide to Residential Design Review and Window Replacement Handout are attached.

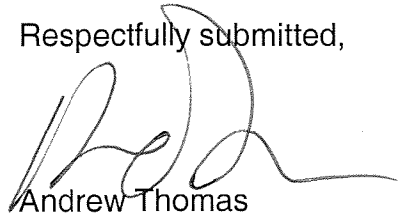
FINANCIAL IMPACT

There is no financial impact from adopting the recommended code amendments.

RECOMMENDATION

Adopt an Ordinance amending the City of Alameda Municipal Code Sections 30-36 and 30-37 (Design Review), 30-6 (Signs) of Chapter XXX (Development Regulations).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew Thomas', is written over the typed name.

Andrew Thomas
Planning Services Manager

Exhibits

1. Amendments to the Guide to Residential Design
2. City of Alameda Design Review Exemptions for Window Replacements
3. Window Handouts

City of Alameda Guide to Residential Design Amendments (pages 9 through 15) with Window Replacement

- How does general plan designation and zoning district affect what I can do?
 - Use – The General Plan provides policies relating to use and design and specific uses are permitted or conditionally permitted in each Zoning District; others are prohibited.
 - Development Standards – each Zoning District has a specific set of rules which regulate the size, location and height for development. There are also rules which regulate the off-street parking and open space.
 - The Counter Planner in the Planning and Building Department can provide information on Uses and Development Standards for each Zoning District.

- When do I need Design Review?

All exterior improvements require Design Review approval unless they are specifically exempted from the requirement. The following improvements (projects) do not require Design Review pursuant to Alameda Municipal Code 30-37:

1. Any improvement that does not require a building permit pursuant to the Building Code; (except fences.)
2. Interior Improvements;
3. Replacement -In-Kind provided that structure being replaced is less than 220 square feet in size and not a main structure
4. Restoration of an original architectural element ;consistent with architectural style of structure at the time of construction.
5. Any addition or improvement that meets all of the following criteria:
 - A. The gross floor area of the improvement is less than 220 square feet, and;
 - B. The improvement is a one story accessory structure or the improvement is located on the first story as defined by the Building Code, and ;
 - C. The improvement is located in the rear yard area, the improvement is in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district, and;
 - D. The improvement includes exterior materials, architectural detailing, roof pitch and design, windows, and doors that are a

visual match to the existing, or if the structure or element has been previously modified, original design of the structure at the time of construction.

6. New or refaced signs, regulated under Section 30-6 with approved sign permits and signs that meet the requirements of an approved sign program.
7. New awnings that meet all of the following criteria:
 - A. Is covered in an a non-glossy fade and fire resistant fabric material, and;
 - B. Matches the alignment and shape of any existing awning on the same level of the building; if consistent with other criteria, and
 - C. Does do not cover transom windows or extend more than six inches (6") beyond the perimeter of a window, door or other opening, and;
 - D. Is not placed over pilasters, columns or other prominent vertical elements, and;
 - E. Provides a minimum of eight feet (8') of vertical clearance for framed portions and seven feet (7') for any unframed valances, and;
 - F. Exhibits a slanted or, if over arched windows or individual upper floor windows, a domed shape, and;
 - G. Is not internally illuminated, and;
 - H. Has all required encroachment permits.
8. Awnings with approval by the City of Alameda Façade Improvement Program which complies with all other criterion listed in Section 30-37.2.B.7
9. Changes to an existing parking lot provided that the lot is not visible from the public right of way and the number of parking spaces or the area of landscaping are not being reduced.
10. New solar collections systems or skylights.
11. Docks which comply with the standards of the Alameda Municipal Code.
12. Second units consistent with development regulations of Section 30-4.1.
13. Fences consistent with the standards of the Alameda Municipal Code.

Please note that Building Permits may be required for the above work. Please check with a Permit Technician for further information.)

- Replacement or Restoration-In-Kind

The Alameda Municipal Code states: Replacement-in-Kind shall mean the replacement of any architectural element which is identical to the original element in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original architectural style and that outwardly appear unchanged from the original architectural style. If the original design of a structure is removed or altered or if one or more elements are not known, the replacement element(s) shall be consistent with the structure's original architectural style.

Below are examples of projects that qualify and do not qualify as "replacement or restoration-in-kind":

Window Replacement:

A double hung wood window is proposed to be replaced with a single hung wood window which has the same dimensions, details and proportions with no changes to the size of window opening. This proposal would be considered a replacement-in-kind and would be exempt from design review.

A double hung wood window is proposed to be replaced with a vinyl clad or metal clad double hung window with the same dimensions, details and proportions as the double hung wood window with no changes to the size of the window opening. This proposal would be considered a replacement-in-kind and would be exempt from design review.

An aluminum sliding window in a 1920's era Craftsman house is proposed to be replaced with a double-hung, single-hung or casement wood or clad window with the same dimensions, details, surface textures and proportions of a window that is typical to 1920's era Craftsman with no changes to the size of the window opening. This proposal would be considered a restoration and would be exempt from design review.

See Appendix Part VI (Window Replacement Guide) for window types, materials and designs that are typical of various architectural styles

Siding Replacement:

A proposal to replace 8" wide redwood siding with 8" wide Douglas fir siding would be considered replacement-in-kind so long as it has the same texture. This proposal would be exempt from design review.

A proposal to replace 4" shiplap redwood siding with 4" vinyl siding would NOT be considered replacement-in-kind and WOULD BE subject to design review.

An 1890s Victorian house covered with composition shingles is proposed for shingle removal and restoration of the original underlying siding. Any missing siding would be replaced with new siding that visually matches the original siding. Small portions of existing siding would be removed at different locations to verify the original surfaces prior to issuance of the building permit. (Removal at different locations is often necessary, since many buildings used more than one kind of siding.)

As discussed in "Restoration of Other Elements" below, missing detailing would be restored in a manner consistent with any "shadows" uncovered of the missing detailing or the architectural style of the original structure at its construction.

This proposal would be considered a restoration and would be exempt from design review.

See Section III (Building Materials and Detailing) for additional criteria for determining replacement-in-kind and what is considered a "visual match".

Restoration of Other Elements:

Restoration of removed elements such as porches, stairs, and ornamentation, is often challenging, since traces of these elements usually do not survive. However, the restoration can be based on old photographs of the building and/or silhouettes, or "shadows", of missing elements visible on original wall surfaces after later layers of siding have been removed. Shadows, if present, can be used to recreate a missing element. An extensive collection of old photographs is available from the Alameda Museum and the Planning Department has 1978-1979 photographs of most buildings in the City.

If old photographs, "shadows", other surviving physical evidence and/or original plans are not available, use one or more existing unaltered buildings with the same architectural style to determine the design of the missing elements. Use buildings by the same architect or builder, if known. Refer to George Gunn's Documentation of Victorian and Post Victorian Buildings City of Alameda 1854 to 1904 and Buildings of the Edwardian Period City of Alameda 1905 to

December 31, 1909 available at the Planning Department and Alameda Museum.

To qualify for this restoration exemption:

- a. If old photographs or plans are available, base the restoration on these sources.
- b. If old photographs or plans are not available, identify the style of the building to be restored then select other buildings of the same style to be used as the models for the restored elements. Staff will confirm the style for both the project building and model buildings.

If the building to be restored has more than one style, elements from any of these styles can be used for the restoration.

- c. For missing ornament where new siding had previously been applied, use replacement ornament consistent with any uncovered "shadows" of the missing ornament.

Sometimes a building has been altered so thoroughly and competently that the resulting design is very attractive and the alteration itself has architectural significance. In these cases, it is quite appropriate for any future restoration to strive for consistency with the altered design rather than the original design. In such situations, restoration that is consistent with **either** the altered design or the original design would be exempt from design review. In other cases, past alterations merely detracted from the original design, in which case restoration of only original design elements would qualify for exemption. Planning staff shall be responsible for confirming the architectural style of the building in question.

See Section III (Building Materials and Detailing) for additional information on restoration projects.

▪ What are the Design Review Submittal Requirements?

All applications for Design Review must be made at the Permits Center, located in Room 190 of City Hall, 2263 Santa Clara Avenue, Alameda, at the same time the building permit application is submitted. Any person or entity proposing to construct or locate within the City any improvement subject to Design Review, shall file an application for review of the project. A checklist for all submittal requirements is attached to the Design Review application and must be followed (please see Appendix V).

- What are the Design Review Procedures?

Once an application is filed, Staff has 30 days to determine whether the application is complete. If the application is incomplete, the applicant will be notified in writing about the part(s) of the application that is incomplete and how the application can be made complete. Upon receipt of any submittal of the application, a new 30-day period will begin, during which Staff will determine the completeness of the application.

At least ten (10) days before final decision by the Planning Director on a Design Review application, a notice shall be sent to the owners of property located within one hundred (100') feet of the property line of the applying property and prominently posted on the project site regarding the application and the opportunity to comment on the proposed design. Public comments may be submitted to the Planning Department within ten (10) calendar days of the date of the notice. No hearings on Design Review applications are required. However, the Planning Director may refer an application to hearing if he/she believes an application will generate significant public interest, or involve policy issues, or require other entitlements to be reviewed by the Zoning Administrator or Planning Board for action. Applications referred to the Zoning Administrator or Planning Board shall be noticed in conformance with Zoning Administrator or Planning Board noticing procedures.

Final action on a Design Review shall be made in writing listing any conditions of approval. A copy of the action shall be mailed to the applicant, provided to the Planning Board at the next regularly scheduled meeting, and to any person or interested party that has requested notice. The date of the final action shall be the date the Notice of Decision is postmarked.

Design Review approval shall expire two (2) years from the initial date of approval unless construction has commenced under valid permits. Design review approval may be extended upon application for up to two (2) additional years from the date of expiration.

APPEALS

Any person dissatisfied with a decision of the Planning Director may file an appeal to the Planning Board within ten (10) calendar days from the date the Notice of Decision, pursuant to subsection 30-36.3, is mailed. The appeal shall be made in writing and filed with the Planning Department. Failure to file a timely appeal shall result in a waiver of the right to appeal. The appeal shall state in detail the factual basis for the appeal.

City of Alameda Design Review

Exemptions for Window Replacements

Windows define and express the style and architectural period of a building through such details as molding profiles, function, size, shape, position and glazing patterns. Retaining the original windows is one of the best ways to retain the charm, character, and resale value of an older building.

Exemption Criteria

Replacement windows are exempt from Design Review if there is no change in the size of the opening **and either**:

1. Replacement "In Kind" If the **existing windows are part of the original construction of the house**, the replacement windows shall visually match the existing windows, including having dimensions typical of the original window (see Attachment 2 Typical Dimensions as well as the Design Review Ordinance.); or
2. Restoration. If restoring **previously altered windows**, the replacement windows are **consistent with the building's original architectural style** (see Attachment 1 Stylistic Consistency) and **visually match** the types of windows that would have been used originally (see Attachments 1 and 2).

All other window replacement projects require design review.

Submittal Requirements

- Photograph(s) of existing windows to be replaced.
- Photographs of front of building and side(s) of building where the windows are to be installed.
- Window manufacturer and, if applicable, model number or style name, e.g. "Marvin Integrity"
- Brochure(s) of new windows, if available.
- Cross-section of new windows **(Usually available from the supplier or use the drawings in Attachment 2. If you use the drawings and your proposal is different from the drawings, mark-up the drawings to show the differences.)**
- Site plan or floor plan clearly identifying all new and replacement window locations.
- Window schedule with numbers or letters (i.e. A, B, C or 1, 2, 3) corresponding to the window locations on the floor or site plan. See attached window schedule – Attachment 3

For restoration of previously altered windows: Identify the style of the building and either:

1. Use Attachment 1 (Stylistic Consistency) to determine the type, material and design of the new windows; **or**
2. Select other buildings of the same style with original windows; use these windows as models for the restored windows and include photographs of the other buildings with your submittal; **or**
3. If old photographs or plans are available, base the new windows on the photographs or plans and include the photographs or plans in your submittal

How to *visually match* replacement windows with existing or restored original windows.

1. Choose a window that matches type and size of the original window or, if the original window has been replaced, a window consistent with the building's original architectural style (see Attachment 1).
2. Choose a window that has dimensions typical of the original window. (See Attachment 2 for typical dimensions.)
3. Replacement windows do not have to be made of the same material (e.g. wood) as the originals as long as the **visual character** of the new windows matches that of the originals. But if the existing or original windows were wood, and if the new window material is different, surfaces must be smooth and flat (not molded), and finishes flat or semi-gloss (not gloss).

Attachment 1: Stylistic Consistency Chart

Attachment 2: Typical Dimensions of Wood and Steel Windows

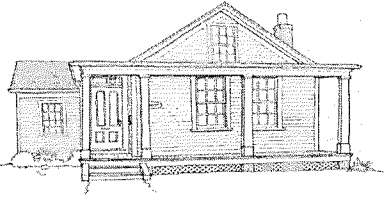
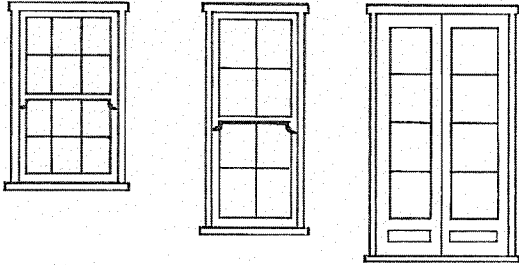
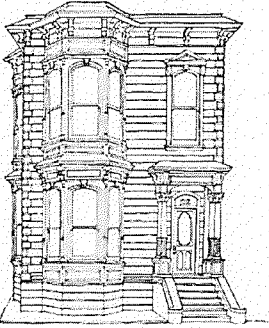
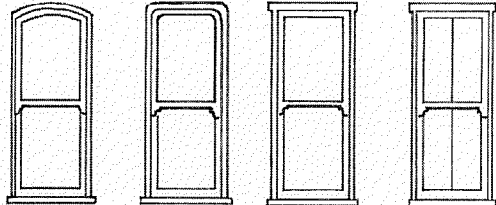
Attachment 3: Window Schedule Form

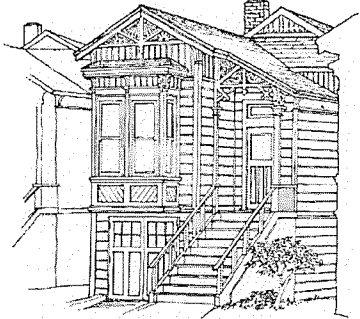
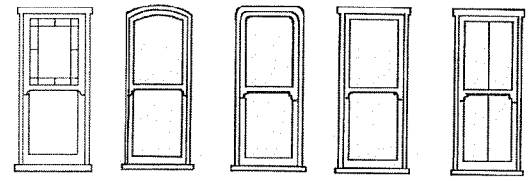

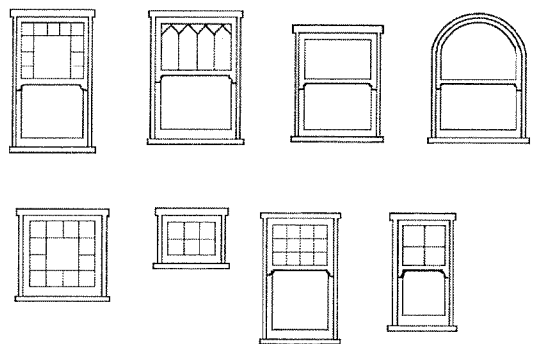
Attachment 1: Stylistic Consistency Chart


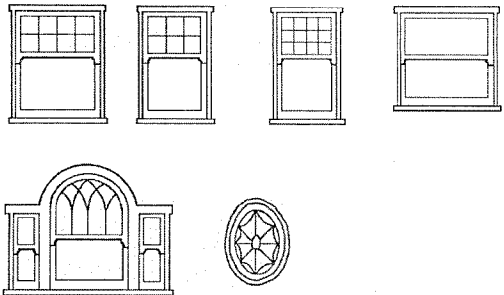
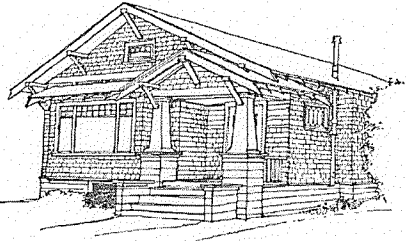
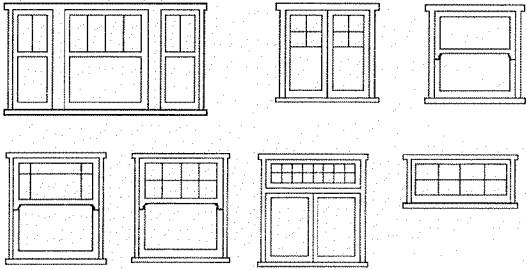
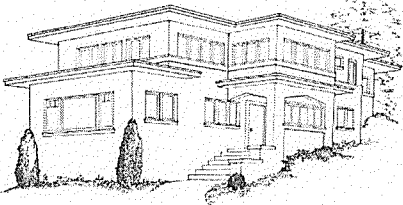
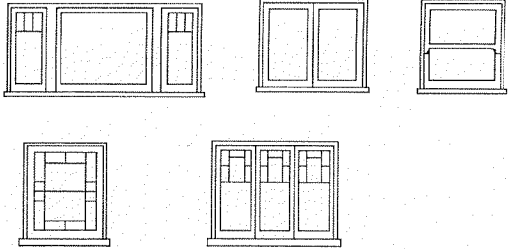
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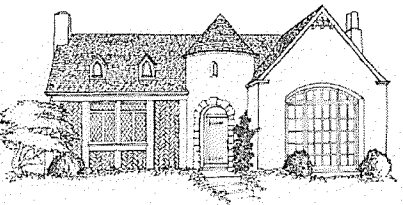
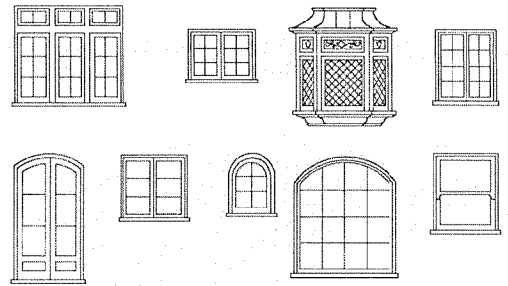
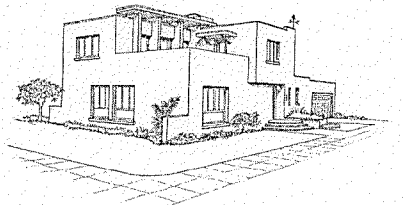
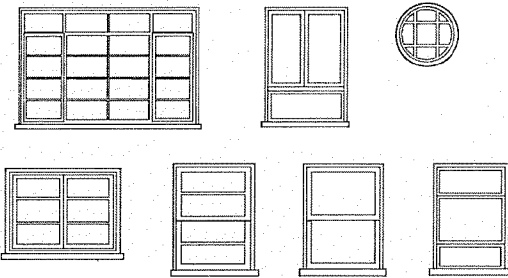
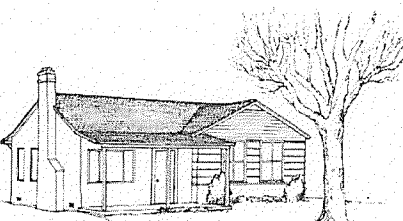
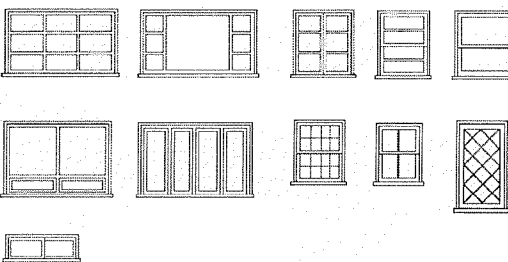
To find the window with the best visual match to the original window, locate your building's architectural style (Column 1) and then review the typical window and muntin types to guide your window replacement decision. If a building has more than one architectural style as shown in the chart, the new windows can relate to any of these styles.

Instead of using the Stylistic Consistency Chart, you can choose window types and designs from original windows on other Alameda buildings with the same style as your building.

| Architectural Style of Building | Typical Original Windows | | | |
|--|--------------------------|-----------|--|--|
| | Type | Materials | Muntin Patterns | Comments |
| Pioneer (1840s -1860s)  | Double hung | Wood |  Muntins: Yes | Besides double hung wood sash, wood French doors opening out onto porches and balconies were sometimes constructed. |
| Italianate (1870s-1880s)  of Oakland | Double hung | Wood |  Muntins: Sometimes (usually only at the rear) | Window openings are tall and narrow, enhancing verticality of façades. Curved and arched upper sashes are common. Transom lites over doors are common. |

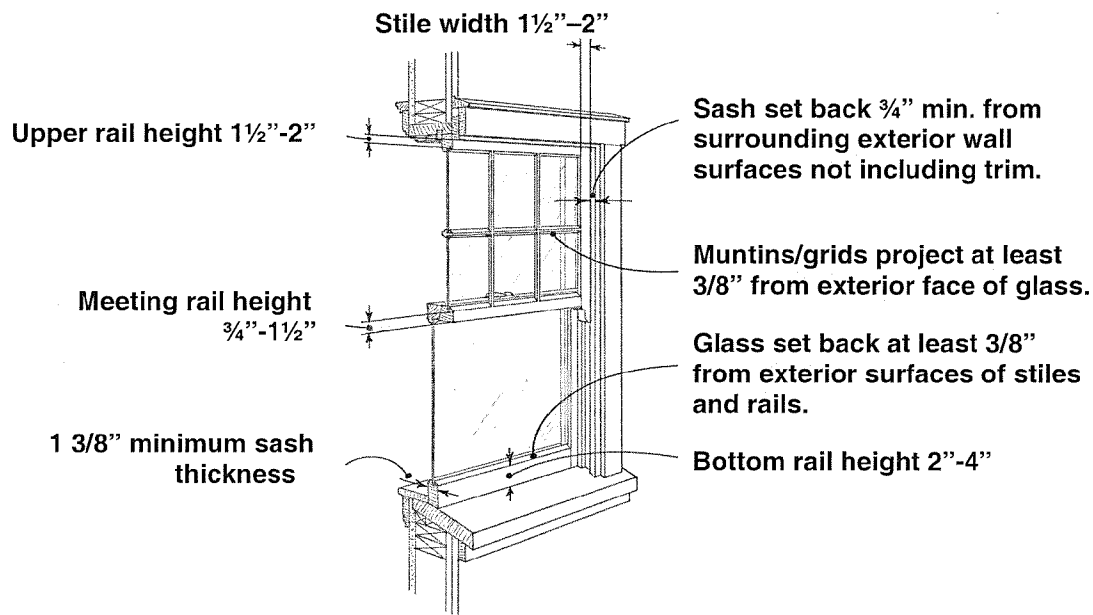
| Architectural Style of Building | Typical Original Windows | | | |
|---|--------------------------|-----------|--|---|
| | Type | Materials | Muntin Patterns | Comments |
| <p>Stick/Eastlake (1880s)</p>  <p>(c) City of Oakland</p> | Double hung. Fixed. | Wood |  <p>Muntins: Rarely</p> | Stick/Eastlake and Italianate windows are very similar, except Stick/Eastlake are usually not arched. Fixed windows are usually only over stairs, near entries and in attic gable ends and dormers. |
| <p>Queen Anne (1880s-90s)</p>  <p>(c) City of Oakland</p> | Double hung. Fixed. | Wood |  <p>Muntins: Often</p> | Many window forms, shapes, and sizes. Complex muntin patterns are common. Stained glass is common. Horizontally curved sash in round towers is common. Fixed windows at same locations as for Stick/Eastlake. |

| | | | | |
|--|--|--|---|---|
| <p>Colonial Revival (1890s-1950s) and Eastern Shingle (1890s-1910s)</p>  <p>(c) City of Oakland</p> | <p>Double hung. Casement. Fixed.</p> | <p>Wood. Steel (1920s-50s only).</p> |  <p>Muntins: Sometimes</p> | <p>In Alameda, muntins are usually only on upper sash of double-hung windows, except post-1920 Colonial Revival. Upper sash is often shorter than lower sash. Sometimes stained or leaded glass is in upper sash or transoms and fixed sash is near fireplaces and entries and in dining rooms.</p> |
| <p>Craftsman (1900s-20s)</p>  <p>(c) City of Oakland</p> | <p>Double hung. Casement. Fixed.</p> | <p>Wood.</p> |  <p>Muntins: Usually (Recommended)</p> | <p>Living and dining rooms often have a three-part window with a fixed middle sash and casement or double-hung sidelights. See Colonial Revival for stained and leaded glass and fixed sash treatments.</p> |
| <p>Prairie (1900s-20s)</p>  <p>(c) City of Oakland</p> | <p>Double hung. Casement. Fixed.</p> | <p>Wood</p> |  <p>Muntins: Usually (Recommended)</p> | <p>Windows often feature larger sizes of glass than seen in earlier styles. Windows and sash groupings emphasize horizontality. See Colonial Revival for stained and leaded glass and fixed sash treatments. Three-part window treatments same as Craftsman.</p> |

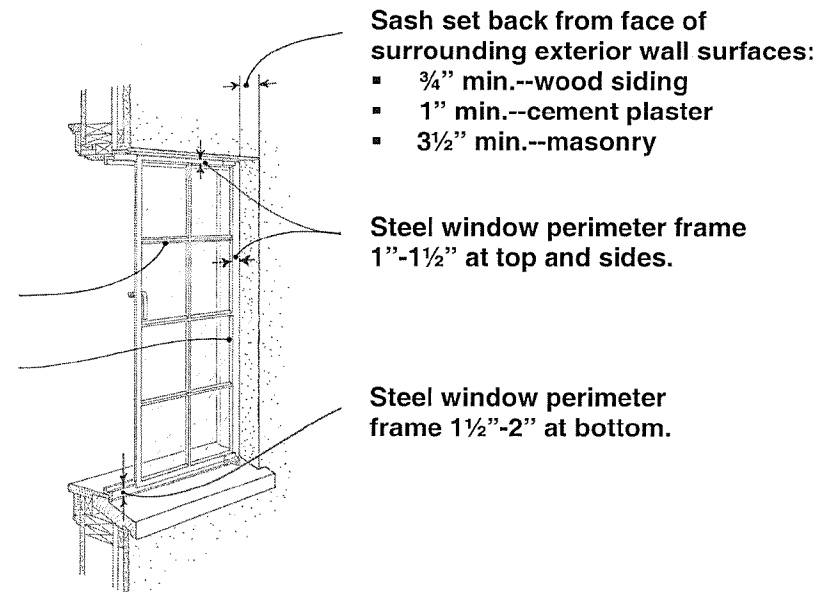
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| <p>Provincial (1920s-40s), and Tudor (1900s-40s)</p>  <p>(c) City of Oakland</p> | <p>Double hung. Casement. Fixed</p> | <p>Wood. Steel (1920s and later)</p> |  <p>Muntins: Usually (Recommended)</p> | <p>Three-part window treatments same as Craftsman. Sometimes leaded glass, usually in a diamond pattern.</p> |
| <p>Streamline Moderne (1930s-50s)</p>  | <p>Double hung. Casement. Awning. Vent. Louver. Horizontal sliders</p> | <p>Wood. Steel. Aluminum. Glass block.</p> |  <p>Muntins: Yes</p> | <p>Muntin patterns are usually horizontal, rather than vertical as seen in earlier architectural styles.</p> |
| <p>Ranch and Midcentury Modern (1940s-50s)</p>  <p>(c) City of Oakland</p> | <p>Double hung. Casement. Fixed. Horizontal sliders</p> | <p>Wood. Steel. Aluminum.</p> |  <p>Muntins: Sometimes</p> | <p>Muntin patterns more horizontally oriented. Larger sizes of glass in each lite. Three-part window treatments same as Craftsman.</p> |

Copyrighted building illustrations provided by Rehab Right: How to Realize the Full Value of Your Old House by Helaine Kaplan Prentice and Blair Prentice, City of Oakland Planning Department

Attachment 2: Typical Dimensions of Wood and Steel Windows



WOOD DOUBLE HUNG SASH
Typical Dimensions



STEEL CASEMENT SASH
Typical Dimensions

Note on internal muntins/grids: Internal muntins or grids began to be used in the late 1970s. On double glazed windows (consisting of two sheets of glass separated by an airspace) they are sandwiched within the air space between the glass sheets. They are also sometimes used on just the interior face of the glass, but not the exterior. Windows with internal muntins/grids are exempt from Design Review only if they replace original windows which have internal muntins/grids, such as those found at Harbor Bay Isle.

WINDOW SCHEDULE

Site Address: _____ Year Built: _____ Is property on City Study List or a City Monument: _____

Architectural Style of Building: (Circle all that apply) Pioneer Italianate Stick Eastlake Queen Anne Colonial Revival Craftsman
Bungalow Prairie Mediterranean Provincial Wartime Tract/Ranch Other

| | ROOM | EXISTING WINDOW TYPE | NEW WINDOW TYPE | EXISTING WINDOW MATERIAL | NEW WINDOW MATERIAL | EXISTING SIZE (width) x (depth) | NEW SIZE (width) x (depth) | MUNTINS/ GRIDS |
|----------------------|----------------|----------------------|-----------------|--------------------------|-------------------------------------|------------------------------------|-------------------------------|--|
| <i>e Example</i> | <i>Kitchen</i> | <i>Double-hung</i> | <i>Casement</i> | <i>Wood</i> | <i>Alum-Clad with Wood core</i> | <i>48" x 36"</i> | <i>96" x 72"</i> | <i>3/4 " x 1/4 " (width) x (depth)</i> |
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| 16 | | | | | | | | |

* Please show these window numbers on the project plans. Continue on another sheet if your project exceeds 16 window replacements.

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING CHAPTER III, ARTICLE II, SECTIONS 30-36, 30-37, AND
30-6 OF THE ALAMEDA MUNICIPAL CODE TO IMPROVE THE
DESIGN REVIEW AND SIGN ORDINANCE PROVISIONS FOR THE
CITY OF ALAMEDA

BE IT ORDAINED by the City Council of the City of Alameda:

Findings.

In enacting this Section, the City Council finds as follows:

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure that design review can be uniformly and efficiently processed and assist staff in attaining General Plan goals to develop a protection of Alameda's historic neighborhoods and small town character as stated in the City's Design Element. The proposed amendments will also simplify and improve the design review process in Alameda and provide relief for property owners who are required to delay construction on approved projects.
2. The amendments will support the general welfare of the community. The proposed zoning text amendments will require that all exterior changes are subject to Design Review, unless exempt, ensuring compliance with the Residential and Commercial Design Guidelines. The amendments also provide relief to property owners that may have been required to delay construction due to the worldwide economic downturn by not requiring them to pay for renewing permits.
3. The amendments are equitable. The proposed zoning amendments are equitable in that they establish consistent noticing and appeal procedures for all property owners. The proposed zoning amendments are also equitable in that they establish consistent expiration and extension requirements for all design review projects, irrespective of whether they are joined with a variance or use permit.

Section 1. Section 30-36 of the Alameda Municipal Code is hereby amended to read as follows:

30-36 DESIGN REVIEW PROCEDURE.

30-36.1 Design Review Staff.

Final Passage of Ordinance #5-G CC

03-01-11

Approved as to Form
City Attorney

The review of applications required by this article shall be made by the Planning Staff designated by the Planning Director. In those instances where the Planning Director believes an application will generate significant public interest, or involve policy issues, or require other entitlements to be reviewed by the Zoning Administrator or Planning Board, the Planning Director ~~may~~ shall refer the application to either the Zoning Administrator or the Planning Board for review and action.

30-36.2 Notice.

At least ten (10) days before final approval decision by the Planning Director of on a Major Design Review application, a notice shall be sent to the owners of property located within one hundred (100') feet of the property line of the applying property and prominently posted on the project site regarding the application and the opportunity to comment on the proposed design. Public comments may be submitted to the Planning Department within ten (10) calendar days of the date of the notice. No hearings on Major Design Review applications are required; however, the Planning Director may refer an application to hearing as provided for in subsection 30-36.1. Applications referred to the Zoning Administrator or Planning Board shall be noticed in conformance with Zoning Administrator or Planning Board noticing procedures.

30-36.3 Notice of Decision.

Final action on a Design Review shall be made in writing listing any conditions of approval. A copy of the action shall be mailed to the applicant, provided to the members of the Planning Board at the next regularly scheduled meeting, and to any person or interested party that who has requested notice. The date of the final action shall be the date the action Notice of Decision is postmarked is mailed.

30-36.4 Appeals and Calls for Review.

Any person dissatisfied with a decision of the Planning Director may file an appeal to the Planning Board within ten (10) calendar days from the date the Notice of Decision, pursuant to subsection 30-36.3, is mailed. The appeal shall be made in writing and filed with the Planning Department. Failure to file a timely appeal shall result in a waiver of the right to appeal. The appeal shall state in detail the factual basis for the appeal. Appeals shall be heard pursuant to Section 30-25. The decision of the Planning Director may be called for review pursuant to Section 30-25.

Section 2. Section 30-37 of the Alameda Municipal Code is hereby amended to read as follows:

30-37 DESIGN REVIEW REGULATIONS.

30-37.1 Definitions.

~~a. Additions shall mean the expansion of an existing structure, affixed to real property.~~

a. Addition: For the purposes of this chapter, the creation of any new portion of a building which results in a vertical or horizontal extension of the building visible from the outside of the building.

b. Alteration: For the purposes of this chapter, the exterior modification, including but not limited to an addition; removal and/or modification of windows, doors, roofing, siding or visible part of foundation of any structure main or accessory structure that requires a building permit.

c. Architectural Style: The characteristic form and detail of buildings from a particular historical period or school or architecture, e.g., Post Modern, Neo-Traditional, Spanish-Mediterranean.

d. Building: Any enclosed structure having a roof and supported by columns or walls.

~~e. b-Improvements: shall mean the cConstruction of a structure, an addition, or alteration to the exterior of a structure affixed to real property, which requires a building permit.~~

~~c. Major Design Review shall mean an improvement subject to review under subsection 30-37.2a.~~

~~d. Minor Design Review shall mean an improvement subject to review under subsection 30-37.2b.~~

~~e. Replacement-in-kind shall mean the replacement of any structure or architectural element which is identical to the original structure in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details and textures of the original and that outwardly appear unchanged from the original.~~

f. Replacement-in-Kind: Replacement of any architectural element which is identical to the original element in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original architectural element and that outwardly appear unchanged from the original architectural style. If the original design of a structure and /or element is removed or altered or if the original design elements are not known, the replacement element(s) shall be consistent with the structure's original architectural style as set forth of the City of Alameda Design Review Manual.

~~f. Structure shall mean a building or facility of any kind, or any piece of work artificially built up or composed of parts joined together in some definite matter.~~

g. Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a Structure for the purposes of this Section.

30-37.2 Improvements subject to Major Design Review; Minor Design Review; and Exemptions.

a. ~~*Improvements Subject to Major Design Review.*~~ All improvements require Design Review approval unless specifically exempt pursuant to 30-37.2.b.

- ~~1. Construction of a new structure(s) for which a building permit is required, except where regulated in subsection 30-37.2c, or;~~
- ~~2. Additions to commercial, industrial, mixed use or public-use structures, or;~~
- ~~3. Additions to residential structures which are greater than eighty (80) square feet, or additions located on a second-story or above.~~

~~b. *Improvements Subject to Minor Design Review.*~~

- ~~1. Improvements and additions which are not exempt under subsection 30-37.2c, and which are not subject to Major Design Review, or;~~
- ~~2. Improvements, including additions, to residential structures in an area subject to architectural review by a property owners' association created pursuant to conditions, covenants and restrictions and which is required to approve improvements pursuant to such conditions, covenants and restrictions, or;~~
- ~~3. Parking lot improvements, as regulated by subsection 30-7.11, or;~~
- ~~4. Paving of City sidewalk planter strips; or~~
- ~~5. Signs, as regulated under Section 30-6 of this chapter.~~

~~c. b. *Exemptions*~~ Exempt Improvements:

1. Interior Improvements;
2. Replacement-in-kind provided that any structure being replaced is less than 220 square feet in size and not a main structure;
3. Skylights Any improvement that does not require a building permit pursuant to the Building Code;
4. Fences,
5. Restoration of an original architectural element; consistent with architectural style of structure at the time of construction or in cases where the entire architectural style of a building has been completely

renovated into a new style, the new element shall be consistent with the new architectural style as set forth in the Design Review Manual.

6. Reroofing, when no structural alteration will take place;
7. Any addition or improvement that meets all of the following criteria:
 - A. The gross floor area of the improvement is less than 220 square feet, and;
 - B. The improvement is a one story accessory structure or the improvement is located on the first story as defined by the Building Code, and;
 - C. The improvement is located in the rear yard area, the improvement is in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district, and;
 - D. The improvement includes exterior materials, architectural detailing, roof pitch and design, windows, and doors that are a visual match to the existing, or if the structure or element has been previously modified, original design of the structure at the time of construction.
8. Foundation work;
9. New or refaced signs, regulated under Section 30-6 with approved sign permits and signs that meet the requirements of an approved sign program.
10. Repair or replacement of retaining walls;
11. New awnings that meet all of the following criteria:
 - A. Is covered in an opaque, non-glossy fade and fire resistant fabric material, and;
 - B. Matches the alignment and shape of any existing awning on the same level of the building; if consistent with other criteria, and
 - C. Does not cover transom windows or extend more than six inches (6") beyond the perimeter of a window, door or other opening, and,
 - D. Is not placed over pilasters, columns or other prominent vertical elements, and;
 - E. Provides a minimum of eight feet (8') of vertical clearance for framed portions and seven feet (7') for any unframed valances, and;
 - F. Exhibits a slanted or, if over arched windows or individual upper floor windows, a domed shape, and;
 - G. Is not internally illuminated, and;

H. Has all required encroachment permits.

~~8. Decks thirty inches (30") in height or less;~~

12. Awnings with approval by the City of Alameda Façade Improvement Program

13. Docks which comply with the standards of the Alameda Municipal Code. established City standards.

14. Changes to an existing parking lot provided that the lot is not visible from the public right of way and the number of parking spaces or the area of landscaping are not being reduced.

15. New solar collections systems or skylights.

16. Second units consistent with development regulations of Section 30-4.1.

30-37.3 Applications for Design Review.

a. Any person or entity proposing to construct or locate within the City any improvement subject to Design Review, shall file an application for review of the project. design, concurrently with the application for a building permit.

~~b. Preliminary review for Major Design Review may be filed with Design Review Staff, prior to applying for a building permit. Noticing requirements shall be completed during the preliminary review.~~

~~c. b.~~ The form of the Design Review applications shall be as required by the Design Review Staff, and shall be accompanied by architectural and site development drawings, drawn to scale and shall include all information as specified on in the application form.

~~d. c.~~ Design Review Staff may require additional information from applicants which is pertinent to the application necessary to evaluate the project.

30-37.5 Requirements Findings.

To grant Design Review approval, the following findings must be made:

a. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.

b. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses; and

c. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.

- ~~a. Projects must be compatible with their site, any adjacent or neighboring buildings or surroundings and promote harmonious transitions in scale and character in areas between different designated land uses.~~
- ~~b. Projects which do not meet the requirements of paragraph a. shall be presumed detrimental to either existing property values or the growth of property values in the vicinity of the project.~~
- ~~c. The Design Review Staff may determine compliance with paragraph a. by determining the consistency of the project with the principles and standards of the design review manual.~~

30-37.6 Expiration and Extension

Design Review approval shall expire two (2) years from the initial date of approval unless construction has commenced under valid permits. Design review approval may be extended upon application for up to two (2) additional years from the date of expiration.

Section 3. Section 30-6 of the Alameda Municipal Code is hereby amended to read as follows:

Section 30-6.1 In General; On-Premise and Off-Premises Signs.

- ~~b. Permit Required. A sign permit shall be obtained as provided in subsection 30-37.2(b)(5) of the Alameda Municipal Code and a building permit shall be obtained as provided in Sections 6-3 and 13-1 of the Alameda Municipal Code.~~

Section 30-6.3 General Requirements on On-Premise Signs.

a. Regulations Pertaining to All On-Premise Signs:

1. Permit Required for All Permanent Signs. In order to assure compliance with the regulations of this section, no permanent sign (including signs that do not require building permits) may be installed until a sign permit has been issued. Sign permit applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated. To grant a sign permit, the Planning Director must find that the proposed sign(s):

A. Are consistent with all applicable General Plan policies, all sign regulations of Section 30-6 of the Alameda Municipal Code, and all provisions of the City of Alameda Design Review Manual that may apply to the project type or site;

B. Exhibit a design and materials that are appropriate for the site and compatible with adjacent or neighboring buildings or surroundings.

Section 4. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 5. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 6. California Environmental Quality Act (CEQA). The proposed amendments are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed amendments amend the review process for Design Review and do not increase the intensity or density of use that would be permitted on property in Alameda

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2011.

Lara Weisiger, City Clerk
City of Alameda